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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,421	02/14/2000	Wilhelm Schwaeble	3523 P 004	6579

7590 02/26/2003

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EXAMINER

ROMEO, DAVID S

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner of Patents and Trademarks

See the attached Detailed Action.

David S Romeo
David S Romeo
Primary Examiner
Art Unit: 1647

DETAILED ACTION

The amendment filed on December 12, 2001 (Paper No. 12) canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the elected invention is drawn to group III, claim 10, to the extent that it is drawn to a method of treatment using a cC1qR binding domain, whereas the newly presented claims are drawn to a medicament effective on a cC1qR binding domain (claims 10-15, 21) or a medicament manufactured using a cC1qR binding domain inhibitor (claims 16-20), each of which is distinct from a method of treatment using a cC1qR binding domain per se.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Election/Restrictions

Applicant's election of the species "inflammation" in Paper No. 14 is acknowledged. However, the requirement for restriction mailed March 11, 2002 (Paper No. 13) is withdrawn in view of the non-responsiveness of the amendment filed December 12, 2001 (Paper No. 12). As indicated in the Office action mailed March 11, 2002 (Paper No. 13), "[c]laims 10-21 are being examined to the extent that they are drawn to or encompass a method of treatment using a cC1qR binding domain". Unfortunately, the examiner did not realize at that time that ^{the} claims were

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~~drawn to a non-elected invention. The general policy of the Office is not to permit the applicant~~
to shift to claiming another invention after an election is once made and action given on the
elected subject matter.

The restriction requirement made April 25, 2001 (Paper No. 7) is still applicable and
5 prosecution will be continued on the invention elected by applicant in the response filed May 29,
2001. Regarding any future amendment Applicant makes in response to the above notice of non-
responsiveness, Applicant is reminded that where only generic claims are first presented and
prosecuted in an application in which no election of a single invention has been made, and
applicant later presents species claims to more than one species of the invention, he or she must
10 at that time indicate an election of a single species.

ANY INQUIRY CONCERNING THIS COMMUNICATION OR EARLIER COMMUNICATIONS FROM THE EXAMINER SHOULD BE DIRECTED TO
DAVID S. ROMEO WHOSE TELEPHONE NUMBER IS (703) 305-4050. THE EXAMINER CAN NORMALLY BE REACHED ON MONDAY THROUGH
FRIDAY FROM 7:30 A.M. TO 4:00 P.M.

15 IF ATTEMPTS TO REACH THE EXAMINER BY TELEPHONE ARE UNSUCCESSFUL, THE EXAMINER'S SUPERVISOR, GARY KUNZ, CAN BE
REACHED ON (703) 308-4623.

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BEFORE FINAL (703) 872-9306

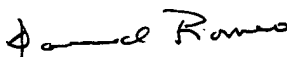
AFTER FINAL (703) 872-9307

20 IN ADDITION TO THE OFFICIAL RIGHTFAX NUMBERS ABOVE, THE TC 1600 FAX CENTER HAS THE FOLLOWING OFFICIAL FAX
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25 FAXED DRAFT OR INFORMAL COMMUNICATIONS SHOULD BE DIRECTED TO THE EXAMINER AT (703) 308-0294.

ANY INQUIRY OF A GENERAL NATURE OR RELATING TO THE STATUS OF THIS APPLICATION OR PROCEEDING SHOULD BE DIRECTED
TO THE GROUP RECEPTIONIST WHOSE TELEPHONE NUMBER IS (703) 308-0196.

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DAVID ROMEO
PRIMARY EXAMINER
ART UNIT 1647

35 DSR
FEBRUARY 25, 2003